

REMARKS

Claims 1, 3, 4 and 12 are pending in this application. By this Amendment, claims 1, 3, 4 and 12 (withdrawn) are amended. A period is placed after the number "2" for canceled claim 2, in view of an objection raised in the Office Action. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Knable in the April 28, 2005 telephone interview. Applicants' separate record of the substance of the interview is incorporated in the following remarks. Specifically, claim 1 is amended to comply with the Examiner's helpful suggestions made during the interview.

The Office Action, in paragraph 2, asserts that claim 12 has an incorrect status identifier. The status identifier of claim 12 is amended.

The Office Action, in paragraphs 3 and 4, maintains the Restriction Requirement previously asserted regarding claim 12. Applicants respectfully request that, upon finding the independent claim 1 allowable, claim 12, acknowledged by the Office Action as constituting a combination claim, be rejoined and allowed.

The Office Action, in paragraph 6, objects to claims 2 (canceled), 3 and 12 (withdrawn) for informalities. The claims are amended to obviate the objection. Withdrawal of the objection to claims 2, 3 and 12 is respectfully requested.

The Office Action, in paragraph 7, rejects claims 1, 3 and 4 under 35 U.S.C. §102(b) as being anticipated by or, in the alternative, under 35 U.S.C. §103(a) as obvious over, U.S. Patent No. 4,279,683 to Landsness or German Patent No. DE 19831 747 A1 to Continental alone, or either of these references taken further in view of U.S. Patent No. 5,380,384. to Tokunaga et al. (hereinafter "Tokunaga"). These rejections are respectfully traversed.

Landsness discloses "A machine for winding a flat ribbon onto a tire carcass" (col. 4, lines 4-5) and "[a]n apparatus for applying a flexible rubber-like strip onto a green tire" (col. 4, lines 39-40).

Continental discloses a process "[t]o make tires in two stages with intermediate vulcanization. Tire carcass and partial belt pack are applied and vulcanized to a predetermined cross section with reinforcements, in a mold" (Abstract).

Claim 1 recites, among other features, winding and joining an unvulcanized rubber strip onto an outer peripheral surface of the expanded carcass to form at least one of a single tire constitutive member or a combination of tire constitutive members, wherein the strip has a cross-section that is determined depending on the shape of the single tire constitutive member or the combination of tire constitutive members to be formed, and, for each single tire constitutive member formed or for any combination of tire constitutive members formed, the winding of the strip commences at a radially outermost point of the single tire constitutive member or the combination of tire constitutive members, and the strip is successively wound from a radially outer side to a radially inner side of the single tire constitutive member or combination of tire constitutive members such that, for each turn, a previously wound strip is superimposed at least partially by a successively wound strip, so as to allow a resulting lamination to form the constitutive member.

The Office Action asserts that Landsness and Continental are applied for substantially the same reasons as set forth previously. Further, as to the requirement that the strip is successively wound from a radially outer side to a radially inner side, the Office Action asserts that Landsness and/or Continental may be reasonably read to implicitly disclose forming at least one tire constitutive member by winding the strip successively from a radially outer side to a radially inner side. However, despite the assertions to the contrary in the

Office Action, neither Landsness nor Continental could reasonably be read to have suggested winding of the rubber strip from a radially outer side to a radially inner side of the tire.

In support of the above conclusion of obviousness of the newly recited feature, the Office Action cites Fig. 6 of Landsness and states that although the figure "would suggest an outward winding direction for the left hand sidewall part, a continuation of the winding would require (or certainly would have been read by the artisan as rendering it obvious) that the winding of the right-hand sidewall be from radially outside to inside as claimed." This conclusion is not supported by the disclosure in Landsness. It is not implicit that the winding of the strip necessarily continues uninterrupted around the carcass band in order that a continuation of the winding would "require" that the right hand sidewall be from radially outside to inside. The process may interrupt and begin radially from the other bead part. Additionally, Landsness clearly discloses, with reference to Fig. 6, that at least a portion of the winding proceeds from a radially inner side to a radially outer side. This depiction teaches away from the feature as recited in claim 1. For at least these reasons, Landsness cannot reasonably be read to disclose or to have suggested the combination of all of the features recited in independent claim 1.

With respect to Continental, the Office Action states "although the reference illustrates the winding as proceeding from the beads 12 towards the belts 13, i.e. from inside to outside, a partial automated machine translation of page 7, lines 36-43 indicates that this winding direction suggestion is prefaced by 'usually.'" This, the Office Action asserts, alternatively either would implicitly suggest that the winding can be made in the opposite direction to that shown, or would have rendered it obvious to one of ordinary skill to reverse the winding direction should results require such a winding. Applicants respectfully disagree.

The disclosure of Continental has been misconstrued in the Office Action. The applicable portion is translated to read:

While the winding process beginning usually in the bead region 12 progresses in the direction toward the belt plies 13 of the carcass, besides the height adjustment of the roll head, there takes place its turning on the arcuate segment 6 so that a uniform winding of the extruded and formed rubber strip can be performed up to the shoulder portion 14 of the tire carcass, either in a side-by-side or overlapping manner.

This passage describes the process by which uniformity in the winding of the extruded and formed rubber strip is maintained. The height of the roll head is adjusted and the arcuate segment 6 is turned. In the context of the above quoted passage from Continental, the term "usually" is intended to contrast the winding process beginning in the bead region 12 and progressing toward the belt plies 13 with another, abnormal or "unusual" condition where the winding process begins at a position other than bead region 12 and progresses toward the belt plies 13. Under either of these scenarios, the winding progresses from radially inward to radially outward. This clearly is the opposite of what is recited in claim 1.

The conclusion of the Office Action regarding interpretation of the quoted passage would require that the term "usually" modify not only the starting point of the winding, i.e. at the bead region 12, but also the direction of progression of the winding, i.e. toward the belt plies 13. This reading of the quoted passage is achievable only through the application of inappropriate hindsight reasoning based on Applicants' disclosure, did not grammatically corrected or technically correct.

For at least the above reasons, Continental cannot reasonably be read to have suggested the combination of all of the features recited in independent claim 1.

Tokunaga is applied only to bolster the Office Action's position that radially outwardly expanding a cylindrical carcass is a conventional tire building step. This is a conclusion that Applicants do not necessarily concede. Because such an alleged disclosure, however, does nothing to cure the shortfall in the application of Landsness or Continental as

applied to the feature of a winding direction, even the combinations of the applied references cannot reasonably be read to have suggested such a feature.

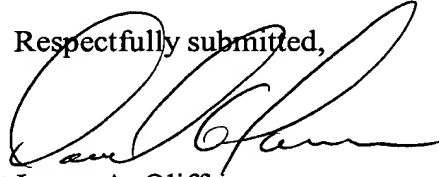
Based on the above, Applicants respectfully submit that no combination of the applied references would have suggested the combination of all of the features recited in independent claim 1. Further, the features recited in claims 3 and 4 are also not suggested by any combination of the applied references for at least the dependence of these claims on independent claim 1, as well as for the separately patentable subject matter which each of these claims recites.

The above arguments were presented to Examiner Knable in the April 28 telephone interview. The Examiner agreed that the §102 rejections may be improper, but indicated that he believes that he will find other references to combine with the current references to show that the claimed combinations of features would have been obvious. Applicants, therefore, further amend claim 1 to better clarify features that distinguish the subject matter of these claims over the applied art. For example, it is clear that none of the applied art discloses each individual, or combination of, tire constitutive member(s) having a strip that is wound from a radially outer side to a radially inner side. The concept of this feature was discussed with the Examiner, who agreed that it may make the claims allowable.

In view of the foregoing, Applicants respectfully submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1, 3, 4 and 12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the Applicants' undersigned representative at the telephone number set forth below.

Respectfully submitted,



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